

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**LAURA LEACH**  
**Plaintiff,**

**V.**

**JOSE LEON-RAMIREZ AND**  
**GLOBAL TRANSPORT CORP**  
**Defendants.**

§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION NO. 17: CV-2284**

**DEFENDANTS JOSE LEON-RAMIREZ AND**  
**GLOBAL TRANSPORT CORP'S NOTICE OF REMOVAL**

Defendants Jose Leon-Ramirez and Global Transport, Corporation (collectively referred to as "Defendants") file this Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 as follows:

**REMOVAL**

1. Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendants in Cause No. DC-C201700399, 249<sup>th</sup> Judicial District, Johnson County, Texas, serves this Notice of Removal from that Court to the United States District Court for the Northern District of Texas, Dallas Division. This Removal is filed within 30 days of Defendants being served with process and within one year of the filing of the lawsuit in State court.

**PROCEDURAL BACKGROUND**

2. On or about July 20, 2017, Plaintiff Laura Leach ("Plaintiff") filed her Original Petition, Cause No. DC-C201700399, 249<sup>th</sup> Judicial District, Johnson County, Texas (the "State Court Action") naming Jose Leon-Ramirez and Global Transport Corp. as the Defendants.

3. Plaintiff states in her Petition she seeks damages over \$200,000, but not more than \$1,000,000.000. On October 2, 2015, Plaintiff was involved in a motor-vehicle collision with

Defendant Jose Leon-Ramirez who was employed with Defendant Global Transport Corp. at the time of the accident. Plaintiff seeks recovery of the medical expenses, pain and mental anguish, physical impairment, loss of earnings and earning capacity, property damage and loss of use as a result of a motor-vehicle collision. Plaintiff asserts claims for negligence and gross negligence, and seeks actual damages, prejudgment interest, post judgment interest, and costs.

4. Defendant Global Transportation Corp. was served with the petition on July 28, 2017.

5. Defendant Jose Leon-Ramirez was served with the petition on July 31, 2017.

6. Defendants timely filed this Notice of Removal and a Notice of Removal in the State Court Action.

#### **DIVERSITY**

7. **Diversity Jurisdiction.** At the time of the filing of Plaintiff's Original Petition and this Notice of Removal, Plaintiff was a citizen of the State of Texas.<sup>1</sup>

8. At the time of commencement of this action and at the time of removal, Defendant Global Transportation Corp. is a Nevada corporation with its principal place of business in Las Vegas, Nevada. For purposes of 28 U.S.C. § 1332(a)(1), Defendant Global Transportation Corp. is deemed to be a citizen of the State of Nevada.<sup>2</sup> Thus, complete diversity exists between Plaintiff and Defendant.

9. At the time of commencement of this action and at the time of removal, Defendant Jose Leon-Ramirez was a citizen of the State of Nevada<sup>3</sup>. Thus, complete diversity exists between Plaintiff and Defendants.

10. Process and Plaintiff's Original Petition in Cause No. DC-16-09914 was served on Defendant for the first and only time less than 30 days from the date of the filing of this Notice

---

<sup>1</sup> See Plaintiff's Original Petition, para. 3.1, p. 2.

<sup>2</sup> See 28 U.S.C. § 1332(c)(1).

<sup>3</sup> See Plaintiff's Original Petition, para. 3.2, p. 2.

of Removal and this Notice is being filed within one year of the date suit was filed in State Court.

**AMOUNT IN CONTROVERSY**

11. Under 28 U.S.C. § 1332, a district court has diversity jurisdiction over any case if (1) the parties are diverse and (2) the matter in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs.<sup>4</sup> Ordinarily the federal court ascertains the amount in controversy by looking at the amount claimed in the state court petition.<sup>5</sup> In this matter, Plaintiff alleged in her Petition she seek damages over \$200,000.00, but not more than \$1,000,000.000.<sup>6</sup> The amount in controversy exceeds \$75,000 exclusive of interest. Thus, the requisite amount in controversy for diversity jurisdictional purposes is satisfied.

12. Simultaneously with the filing of this Notice of Removal, Defendants are filing a copy of all processes, pleadings and orders served in State Court. A copy of this Notice is also concurrently being filed with the State Court and served upon opposing counsel.

**WHEREFORE, PREMISES CONSIDERED,** Defendants pray this action be removed to this Court from the 249<sup>th</sup> Judicial District of Johnson County, Texas.

---

<sup>4</sup> *Trapasso v. Prudential Property and Cas. Ins. Co.*, 220 F.Supp.2d 628, 631 (E. D. Tex. 2002); 28 U.S.C. § 1332(a).

<sup>5</sup> *Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002); *Greenberg*, 134 F.3d at 1255; *De Aguilar v. Boeing Co.*, 47 F.2d 1404, 1412 (5<sup>th</sup> Cir. 1995) *cert. denied*, 516 U.S. 865 (1995)( *De Aguilar II*)..

<sup>6</sup> Plaintiff's Original Petition, para. 2, p. 1.

Respectfully submitted,

By: /s/ Paul A. Bezney  
PAUL A. BEZNEY  
State Bar No. 000787077  
Attorney-in-Charge

ADKERSON, HAUDER & BEZNEY, P.C.  
1700 Pacific Avenue, Suite 4450  
Dallas, Texas 75201-7323  
214-740-2500 - Telephone  
214-740-2501 - Facsimile  
[Bezney@ahblaw.net](mailto:Bezney@ahblaw.net)  
ATTORNEY FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

This is to certify that on this, the 28<sup>TH</sup> day of August, 2017 a true and correct copy of the above and foregoing document has been forwarded to the following persons as indicated below:

Todd Clement  
The Clement Firm  
17855 Dallas Parkway, Suite 155  
Dallas, TX 75287  
[clement@clementfirm.com](mailto:clement@clementfirm.com)

\_\_\_\_\_ Via Hand Delivery  
\_\_\_\_\_ Via Certified Mail Return Receipt Requested  
\_\_\_\_\_ Via Facsimile  
  x   Via E-Mail  
  x   Via Electronic Service

/s/ Paul A. Bezney  
PAUL A. BEZNEY